

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the outstanding Office Action. All of the Examiner's rejections are traversed. Reexamination and reconsideration are respectfully requested.

The Office Action

Claims 21-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ballantyne (US 5,867,821).

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobylevsky (US 2002/0052762) in view of Muftic (US 5,943,423).

Comments/Arguments

As to claim 21, the Ballantyne reference shows none of the claimed elements. Specifically, the claim calls for a code dispensing device. Ballantyne discloses no such device. Rather, Ballantyne is directed to a method and apparatus for electronically accessing and distributing personal health care information and services in hospitals and homes. Nowhere is there disclosed a device for dispensing codes as claimed. Notably, the Office Action fails to identify any element in Ballantyne that equates with or reads on the claimed code dispensing device. Rather, the Office Action simply cites column 8, lines 2-16, 15-40 and 43-53.

More specifically, claim 21 calls for storage means for storing a set of codes; signaling means for signaling the dispensing device to dispense one of the codes from the set upon each activation of the signaling means; and, display means for displaying the dispensed codes. Ballantyne discloses no such elements. Rather, the system of Ballantyne employs a security architecture **48** to control access to a master library **ML 2**. Nowhere is it indicated that the security architecture **48** includes a storage device which stores a set of codes that are dispensed in response to activation of a signaling means. On the contrary, the security architecture **48** described in Ballantyne employs a conventional user ID and security question protocol to control access to the **ML 2** and/or verify users' identities. Alternately, for higher level security, a personal identification number (PIN) is also employed.

Ballantyne does disclose that after a user successfully creates a profile, "a unique identification number (ID) is assigned to each user and their personal profile data is stored electronically online." Column 8, lines 20-22. However, nowhere is it

expressly taught where that ID comes from or how it was created. More specifically, Ballantyne does not teach that the assigned ID was stored in a storage device along with a set of IDs and dispensed therefrom in response to activation of a signaling means as claimed. Rather, as is typical in such cases, the particular ID in any given instance may have been selected by the user or randomly or otherwise generated. That is to say, there is nothing in Ballantyne that suggests that a particular ID was stored in a storage means along with a set of such IDs (as the claimed codes are), and then dispensed therefrom in response to activation of a signaling means (as the claimed codes are). In short, Ballantyne is simply silent as to how the assigned ID comes into being. Moreover, user IDs, passwords, PINs and the like are typically selected by the individual user, and Ballantyne suggests nothing to the contrary. Clearly, assigning user IDs upon creation of a user profile is not the same as dispensing codes from a set of codes stored in a storage means.

Additionally, as to claims 22 and 23, nowhere does Ballantyne even mention a power source let alone a photoelectric device. Ballantyne discloses no power source. Regarding claim 22, the Office Action cites to column 8, lines 15-40. Nowhere in the cited passage is a power source ever mentioned. In fact, nowhere in Ballantyne can Applicants find mention of a power source. Moreover, claim 23 specifically recites that the power source is a photoelectric device. Regarding claim 23, the Office Action cites column 8, lines 40-53. Again, Applicant can find no mention of any power source in the cited passage or elsewhere in Ballantyne. Even assuming some inherent power source not expressly disclosed by Ballantyne, there is absolutely nothing disclosed by Ballantyne to suggest that the power source would be a photoelectric device.

Claim 24 further calls for indicator means for indicating to a user of the dispensing device an amount of undispensed codes remaining in the storage means. Applicants can find nowhere in Ballantyne where such an indicator is expressly disclosed or fairly suggested. The Office Action merely cited to column 52-60, which do not even exist.

Finally, as to claim 25, Ballantyne does not disclose that each code is only dispensed once. While arguably, the user IDs are unique, nowhere does Ballantyne disclose that the user IDs are dispensed in the same manner as the claimed codes are dispensed. Accordingly, the user IDs cannot be fairly equated with the claimed codes.

Consequently, claims 21-25 are NOT anticipated by Ballantyne.

As to claims 1, 10 and 15, neither Kobylevsky nor Muftic, either alone or in combination, expressly disclose or fairly suggest the claimed subject matter. Kobylevsky is directed to a remote prescription refill system. Nowhere does it suggest storing a unique set of predetermined random numbers and/or software for selecting and dispensing one of the numbers from the set. Likewise, neither does Muftic, which is directed to a smart token system.

Applicants can find nowhere in Kobylevsky where it is taught to store a unique set of predetermined random numbers and/or where it is taught to select and dispense one of the unused numbers from the set. No such mechanisms or methods are even suggested. Rather, Kobylevsky simply teaches a system whereby patients, doctors and pharmacies may interact remotely to process prescriptions. The Office Action cites to only paragraphs 0018, 0068, and 0070 of Kobylevsky in rejecting claims 1, 10 and 15. However, these paragraphs make no mention what so ever of the aforementioned claim features. Moreover, Applicants can find no other teaching or disclosure in Kobylevsky that even distantly approximates these features. Should the Examiner continue to contend otherwise, it is respectfully requested she particularly identify what is being equated with the set of unique predetermined random numbers and where it is taught that unused numbers are selected and dispensed from this set.

Additionally, Muftic also fails to teach the aforementioned features of claims 1, 10 and 15. While Muftic is directed to a smart card, nowhere can Applicants find where Muftic teaches that the smart card or token stores a unique set of predetermined random numbers or that the card/token selects and dispenses one of the unused numbers from the set. Again, should the Examiner continue to contend otherwise, it is respectfully requested she particularly identify what is being equated with the set of unique predetermined random numbers and where it is taught that unused numbers are selected and dispensed from this set. In fact, in direct contradiction to the claimed features, Muftic appears to generate a random number each time it is required rather than select and dispense one from a predetermined set stored in memory. Note, for example, box **1905** of **FIGURE 19**, indicating that a random number is generated when need rather than being selected and dispensed from a predetermined set stored in memory. See also, column 15, line 51-65.

More specifically, claim 1 calls for a token having "a plurality of buttons wherein each button is assigned a unique account identifier number representing a type of account for conducting a commercial transaction." The claimed token also includes a

memory in which is stored: a unique set of predetermined random numbers; and, software for selecting and dispensing an unused number from the set of random numbers. Clearly, Kobylevsky discloses no such token. As far as Applicants can tell, the only hardware disclosed by Kobylevsky includes telephones, computers, servers, etc., none of which fairly equate with the claimed token. Alternately, the Examiner may wish to argue that the smart card 360 of Muftic equates with the claimed token, however, it is not disclosed as having any buttons.

In short, neither Kobylevsky nor Muftic explicitly teach or fairly suggest the claimed subject matter. Accordingly, it is submitted that claims 1, 10 and 15 distinguish patentably over the references, along with claims 2-9, 11-14 and 16-20 that depend therefrom.

CONCLUSION

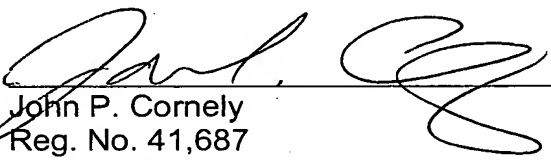
For the reasons detailed above, it is respectfully submitted that all claims remaining in the application are now in condition for allowance.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call the undersigned at telephone number listed.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

June 14, 2005
Date

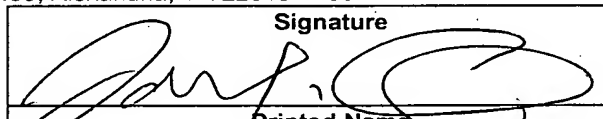

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